



# SHANKS & HERBERT

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Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**RECEIVED**

OCT 28 2002

TECH CENTER 1600/2900

Re: U.S. Patent Application  
Serial No.: 09/697,123  
Filed: October 27, 2000  
For: rPOB GENE FRAGMENTS AND A METHOD FOR THE DIAGNOSIS  
AND IDENTIFICATION OF MYCOBACTERIUM TUBERCULOSIS AND  
NON-TUBERCULOSIS MYCOBACTERIAL STRAINS  
Inventor(s): Lee et al.  
Attorney Docket No.: 0217-0004

Sir:

The following documents are forwarded herewith for appropriate action by the  
U.S. Patent and Trademark Office:

1. Response to Restriction Requirement (2 pages); and
2. One (1) Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of  
filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT

Shelly Guest Cermak  
Reg. No. 39,571

Date: 10-25-02

SGC:ewm  
Encl.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CD  
11/4/02  
**RECEIVED**

In re Application of:

Lee et al.

Serial No.: 09/697,123

Filed: October 27, 2000

Art Unit: 1634

Examiner: D.B. Johannsen

Atty. Docket: 0217-0004

OCT 28 2002

TECH CENTER 1600/2900

For: rPOB GENE FRAGMENTS AND A METHOD  
FOR THE DIAGNOSIS AND IDENTIFICATION OF  
MYCOBACTERIUM TUBERCULOSIS AND NON-  
TUBERCULOSIS MYCOBACTERIAL STRAINS

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 30, 2002, requesting an election of claims in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the claims of Group II (Claims 2-5), without traverse.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-0622.

Respectfully submitted,  
SHANKS & HERBERT



By: Shelly Guest Cermak  
Reg. No. 39,571

Date: 10-25-02

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